

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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GLENN BERNARD GREEN,

Plaintiff,

v.

Case No. 1:06-CV-620

JAMES ATTERBERRY, et al.,

HON. GORDON J. QUIST

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

The Court has before it Plaintiff's Objection to the report and recommendation dated October 25, 2006, in which Magistrate Judge Greeley recommended that Plaintiff's complaint be dismissed pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A(b), and 42 U.S.C. § 1997e(c) for failure to state a claim and that the Court decline to exercise supplemental jurisdiction over Plaintiff's state law claim. In particular, the magistrate judge concluded that Plaintiff has no liberty interest in being released on parole; that the actions of the parole board in denying Plaintiff parole did not give rise to a substantive due process claim; and that prisoners' inability to appeal a parole denial in state court does not violate due process or equal protection under the Fourteenth Amendment. After conducting a *de novo* review of the report and recommendation, the Court concludes that the report and recommendation should be adopted by the Court.

The Court has reviewed Plaintiff's lengthy nineteen-page objection and finds nothing therein that persuades it that the magistrate judge's conclusions were erroneous in any manner. In his Objection, Plaintiff refers to the Eighth Amendment and various Eighth Amendment concepts, such as "cruel and unusual punishment" and "deliberate indifference" to medical needs, but those principles have no application in this case because Plaintiff is not alleging an Eighth Amendment

claim. Moreover, Plaintiff admits that “he has no liberty [interest] in being released on parole.” (Objection at 6.) In short, Plaintiff has failed to present any argument or cite any authority which persuades this Court that it should not adopt the magistrate judge’s report and recommendation. Therefore,

**IT IS HEREBY ORDERED** that the Magistrate Judge's Report and Recommendation issued October 25, 2006 (docket no. 5) is **APPROVED AND ADOPTED** as the Opinion of this Court.

**IT IS FURTHER ORDERED** that Plaintiff’s complaint is **DISMISSED** pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A(b) and 42 U.S.C. § 1997e(c) for failure to state a claim. The Court declines to exercise supplemental jurisdiction over Plaintiff’s state law claim, which is **DISMISSED WITHOUT PREJUDICE**. Finally, this Court finds no good-faith basis for an appeal of this matter within 28 U.S.C. § 1915(a)(3).

This dismissal counts as a strike for purposes of 28 U.S.C. § 1915(g).

This case is **concluded**.

Dated: November 28, 2006

/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE